



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, १२ नवम्बर, १९६५/२८ कार्तिक, १८८७

GOVERNMENT OF HIMACHAL PRADESH

EXCISE AND TAXATION DEPARTMENT

NOTIFICATIONS

Simla-4, the 7th August, 1965

No. 1-17/64-E&T.—In exercise of the powers conferred by sections 3(3), 6(c), 8, 9, 10, 11, 13(b), 14, 45, 46, 47, 49, 58 and 73 of the Punjab Excise Act (I of 1914); section 14 of the Opium Act (I of 1878) and sections 23 and 30 of the Dangerous Drugs Act (II of 1930), as applied to Himachal Pradesh in each case, and in supersession of all previous notifications issued in this behalf, the Lieutenant Governor, Himachal Pradesh, is pleased by notification to direct as follows:—

This notification may be cited as the Himachal Pradesh (Excise Powers and Appeal) Orders, 1965. It shall come into force at once.

THE HIMACHAL PRADESH EXCISE POWERS AND APPEAL ORDERS

1. The person for the time being appointed as the Excise and Taxation Commissioner, Himachal Pradesh, shall be an Excise Commissioner, under section 9, of the Punjab Excise Act as applied to Himachal Pradesh and he shall, subject to the control of the Financial Commissioner, Himachal Pradesh, exercise all the powers conferred on the Financial Commissioner by the said Act.

2. In exercise of the powers conferred by sub-section (3) of section 3 of the Punjab Excise Act (I of 1914), as applied to Himachal Pradesh, the following officers are appointed to discharge the functions of a Collector under the said Act:—

- (i) All Deputy Commissioners in Himachal Pradesh under their respective charges.
- (ii) The Assistant Excise and Taxation Commissioner, Himachal Pradesh, throughout Himachal Pradesh except that he shall not exercise powers under section 79 of the said Act.

3. Under section 8(a) of the said Punjab Excise Act as applied to Himachal Pradesh, the general superintendence and administration of the Financial Commissioner in matters relating to Excise shall be subject to the following restrictions:—

- (a) No shops may be licensed for the sale of liquor or intoxicating drug in any village or in any ward or quarter of a town in which a licence did not previously exist, without the sanction of the Government.
- (b) The number of liquor and intoxicating drug shops, which may be licensed in any local area, shall be subject to the orders of the Government.

4. In exercise of the powers conferred by clause (b), of section 8 of the Punjab Excise Act (I of 1914), as applied to Himachal Pradesh, the Assistant Excise and Taxation Commissioner, Himachal Pradesh shall control the Excise staff posted in Distillery at Kasauli and Brewery at Solan.

5. Under section 10 of the said Punjab Excise Act, as applied to Himachal Pradesh, there shall be three classes of Excise officers, to be designated 1st Class, 2nd Class and 3rd Class, respectively, and the persons mentioned in groups 'A', 'B' and 'C' below shall be respectively Excise officers of the 1st, 2nd, and 3rd Class:

GROUP 'A'

Excise officers of the First Class:

- (1) All Assistant Collectors of 1st grade.
- (2) The Assistant Excise and Taxation Commissioner.
- (3) All Excise and Taxation Officers.
- (4) All Tehsildars.
- (5) All Excise and Taxation Inspectors.
- (6) All Naib-Tehsildars.
- (7) All Excise and Taxation Sub-Inspectors.

GROUP 'B'

Excise officers of the Second Class:

All Excise and Taxation Sub-Inspectors (leave reserve).

GROUP 'C'

Excise officers of the Third Class:

- (1) All head clerks and clerks attached to the offices of the Excise and Taxation officers of the districts.
- (2) All Excise chaprasis and peons.

6. The persons mentioned in groups 'A' and 'B' below are, under section 11 of the said Punjab Excise Act, as applied to Himachal Pradesh, invested with the powers of the Excise officers of the 1st Class and 3rd Class

respectively:—

GROUP 'A'

(To exercise the powers of an excise officer of the 1st Class)

- (1) All police officers of the rank of head constable and any rank superior thereto.
- (2) All assistant commissioners, superintendents, assistant superintendents and probationary assistant superintendents of the Central Excise Department.

GROUP 'B'

(To exercise the powers of an excise officer of the 3rd Class).

- (1) All Field Kanungos.
- (2) All Police Constables.

7. Under section 10(b) of the said Punjab Excise Act, as applied to Himachal Pradesh, the powers of excise officers of the classes specified below are declared to be as follows:—

A. Powers of an excise officer of the 3rd Class:

- (1) Power under section 47 to arrest without warrant any person found committing an offence under sections 61(1) (a) or (c) or sections 61(2) (a), (c) or (e) of the said Act.
- (2) Powers under section 47 of the said Act to seize and detain intoxicants or other articles liable to confiscation in connection with any of the aforesaid offences and to detain and search persons upon whom any vessel, raft, vehicle, animal package, receptacle or covering in or upon which he may have reasonable cause to suspect any such article to be.

B. Powers of an excise officer of the 2nd Class:

- (1) All powers of an excise officer of the 3rd Class.
- (2) All powers not included in the foregoing and conferable under section 47.
- (3) Powers to enter and inspect places of manufacture and sale and to examine and seize accounts and registers, test measures, weights and seize any material, stills, utensils, implements, apparatus or intoxicants as provided in section 45.

C. Powers of an excise officer of the 1st Class:

- (1) All powers of an excise officer of the 2nd Class.
- (2) Powers to investigate under section 46.
- (3) Power to search without warrant as provided in section 49 (1), and to seize, detain, search and arrest as provided in section 49 (2).
- (4) Power to grant bail under section 73.

8. Under section 14 of the Opium Act (I of 1878), as applied to Himachal Pradesh, all excise officers above the rank of jamadar of peons and all police officers above the rank of constable, are conferred upon the powers with respect to search for and seizure of opium and other things liable to confiscation, and the detention, search and arrest of any person reasonably believed to be guilty of any offence relating to such opium described in the above-mentioned section.

9. Under section 23(1) of the Dangerous Drugs Act (Act II of 1930), as applied to Himachal Pradesh, all excise officers above the rank of jamadar of peons and all police officers above the rank of constables are conferred

upon the powers with respect to searches for and seizures of dangerous drugs and other things liable to confiscation and the detention, search and arrest of any person reasonably believed to be guilty of any offence relating to such drugs described in the above mentioned section.

10. Under section 13(b) of the said Punjab Excise Act, as applied to Himachal Pradesh, every Collector is permitted to delegate the powers specified in column 1 of the attached schedule to the persons mentioned in column 2 subject to the conditions, if any, in column 3:—

SCHEDULE

Nature of power 1	Authority to whom delegated 2	Remarks 3
(1) Power to grant permits for import, or transport of country spirit, foreign liquor, rectified spirit or denatured spirit.	Excise and Taxation Officer of the district.	Provided that in respect of the Kasauli distillery and Solan brewery, this power shall be exercised by the Assistant Excise and Taxation Commissioner, till further orders.
(2) Power to appoint salesman to work at licensed premises.	-do-	
(3) Power to issue passes for export and transport of foreign liquor, country spirit, rectified spirit, and denatured spirit from vend premises.	All Excise Officers of the 1st and 2nd Class ex-officio.	
(4) Power to grant passes for the export of medicinal and other preparations containing rectified spirit including intoxicating spirituous preparations from vend premises.	All Excise Officers of the 1st Class and 2nd Class ex-officio.	
(5) Power to grant passes for the export and transport of medicinal or other preparations containing rectified spirit including intoxicating spirituous preparations from the bounded warehouse of the approved manufacturer.	Excise sub-inspector in charge of the chemical works.	
(6) Power to grant permits for the import or transport of intoxicating spirituous preparations.	Excise and Taxation Officer of the district.	

1	2	3
(7) Power to grant passes for the export and transport of spirit from a distillery or of beer from a brewery or of liquor from bonded warehouse.	The excise inspector or sub-inspector in charge of the distillery or the brewery or bonded warehouse ex-officio.	Provided that in respect of grant of passes for the purpose to the Kasauli distillery and Solan brewery the requisite passes will be granted by the officers mentioned in column 2 after obtaining sanction from the A.E.T.C.
(8) Power to grant permits for the possession of country spirit not exceeding 10 gallons on special occasions.	All Excise officers of the 1st and 2nd Class ex-officio.	
(9) Power to grant licences for the manufacture and possession of country fermented liquor for home consumption.	All Excise Officers of the 1st Class not i f i c a t i o n No. Ex. 9-64/59, dated October 25, 1961.	
(10) Power to grant permits for the possession of I.M.F. L., permits not exceeding 12 quart bottles of foreign spirit and 24 quart bottles of foreign fermented liquor.	Excise and T a x a t i o n Officer of the district.	
(11) Power to grant permit to possess six quart bottles of denatured spirit for industrial purposes.	All Excise Officers of 1st Class.	
(12) Power to grant licences for the manufacture of country fermented liquor for use on special occasions.	All Excise Officers of the 1st Class.	
(13) Power to grant passes for the export and transport of foreign liquor, country spirit and denatured spirit from the wholesale vend premises of the persons mentioned in column 2.	Any person 1. within the district licensed to sell foreign liquor, country spirit and denatured spirit in 2. wholesale.	1. Provided that such power shall be delegated only after obtaining the previous sanction of the E.T.C. 2. Such delegation shall be made by written order naming the person to whom the power is delegated.

1	2	3
(14) Power to grant export and transport passes for the export and transport of foreign liquor from the retail premises of any licensee to any other premises of the same licensee.	Any person granted a licence for the retail vend of foreign liquor within the district.	
(15) Power to grant a permit for import or transport of rectified spirit from a licensed distillery to an approved manufacturer and homoeopathic chemist or practitioner.	Excise and Taxation Officer of the district.	
(16) Power to grant authorisation for the export, transport in bond of country spirit or Indian made foreign liquor or rectified spirit or medicinal, non-medicinal preparations containing rectified spirit including intoxicating spirituous preparations to the manager of the distillery, brewery or an approved manufacturer.	Excise and Taxation Officer of the district.	Provided that in the case of Kasauli distillery and Solan brewery the requisite authorisation shall be granted by the A.E.T.C.
(17) Power to require the manager of the distillery or brewery or bonded warehouse or the proprietor of a chemical works licensed in Himachal Pradesh to execute a bond ensuring the safe arrival at its destination of any consignment of liquor exported or transported in bond and the payment which may become due thereon.	Excise and Taxation Officer of the district.	Provided that in the case of Kasauli distillery and Solan brewery the competent authority shall be the A.E.T.C.
(18) Power to discharge the bond executed by the manager of the distillery or brewery or bonded warehouse or the approved manufacturer concerned in connection with the export, transport in bond of liquor.	Excise and Taxation Officer of the district.	Provided that in the case of Kasauli distillery and Solan brewery the competent authority shall be the A.E.T.C.

11. Under section 14 of the Punjab Excise Act (I of 1914), as applied to Himachal Pradesh, it is hereby declared that an appeal shall lie from an original or appellate order of an Excise Officer as follows, namely:—

- (a) to the Collector when the order is made by an Excise Officer below the rank of Collector;
- (b) to the Financial Commissioner when the order is made by the Collector:

Provided that:—

- (i) when an original order is confirmed on first appeal, a further appeal shall not lie;
- (ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Financial Commissioner on further appeal, if any, to him shall be final.

12. Under section 58(2)(c) of the Punjab Excise Act (I of 1914) as applied to Himachal Pradesh, it is directed that:—

- (i) every memorandum of appeal must be presented within one month from the date of the order appealed against;
- (ii) every memorandum of appeal shall be accompanied by the order appealed against, in original, or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the appellate authority.

The time spent in obtaining an authenticated copy of such order shall be excluded from the period of limitation prescribed under clause (i) above.

Simla-4, the 7th August, 1965

No. 1-17/64-E&T.—In exercise of the powers conferred by sections 5, 6, 17, 18, 24 (4) and 58 of the Punjab Excise Act, 1914 (I of 1914) as applied to Himachal Pradesh and all other powers enabling him in this behalf and in supersession of all previous notifications issued in this behalf the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to make the following rules without previous publication to regulate the import, transport, possession and sale of liquor in prohibition areas in Himachal Pradesh:—

These rules may be cited as the Himachal Pradesh Liquor Prohibition Rules, 1965, and shall come into force at once.

1. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context:—

- (a) “Act” means the Punjab Excise Act, 1914 (I of 1914) as applied to Himachal Pradesh.
- (b) “Brandy” means and includes any foreign liquor obtained after distillation of grapes or sophisticated by the addition of essences of brandy whether imported from abroad or made in India.
- (c) “Civil Surgeon” means the Civil Surgeon or other principal medical officer of the district.
- (d) “Government” means the Lieutenant Governor (Administrator) of Himachal Pradesh.
- (e) the expressions “Import”, “Transport”, and “Sale” have the same meanings as are assigned to them under the Act.
- (f) “Foreign liquor”, means liquor as defined in the Himachal Pradesh excise liquor definitions.
- (g) “Medical certificate” means a certificate given by a registered medical practitioner to a person certifying the use or need of brand-

dy or foreign liquor to be possessed by a person for his domestic or medicinal use.

- (h) "Prohibition Area" means the territorial limits of any civil district or a part thereof where under section 17 and 24(4) of the Act, the Government has by notification prohibited the possession (for sale or otherwise) and the import or transport of any kind of liquor save under the provisions made in these rules.
- (i) "Registered Medical Practitioner" means any person registered under the provisions of the Indian Medical Council Act, 1956 in Himachal Pradesh or any other State of India.

2. *Possession*.—Save as herein provided, no person shall possess (for sale or otherwise) and import or transport any kind of liquor in the prohibition area:—

- (a) Denatured spirit.
- (b) Rectified spirit in the possession of licensed vendors, registered medical practitioners or other persons in whose favour a special permit has been issued.
- (c) Liquor meant for Army personnel serving in prohibition area.
- (d) Liquor upto the limit of private possession, as indicated below in the possession of any foreigner residing in the prohibition area:—
- (i) Foreign liquor whether imported or made in India: One reputed quart bottle or upto 12 bottles on payment of permit fees according to the following graduated scale for a financial year or a part thereof.

<i>Quantity</i>	<i>Permit fee</i>
Exceeding 1 but not exceeding 3 reputed quart bottles.	Rs. 5
Exceeding 3 but not exceeding 6 quart bottles.	Rs. 10
Exceeding 6 but not exceeding 12 reputed quart bottles.	Rs. 20
(ii) Beer whether imported or made in India.	Six reputed quart bottles or upto 24 bottles according to the following graduated scale.

<i>Quantity</i>	<i>Permit fee</i>
Exceeding 6 but not exceeding 12 reputed quart bottles.	Rs. 5
Exceeding 12 but not exceeding 24 reputed quart bottles.	Rs. 10
(iii) Cider (liquor manufactured by fermentation of (juice of any fruit) whether imported or made in India.	Six reputed quart bottles.

- (e) Liquor covered by necessary passes while in transit in the prohibition area transported for other areas.
- (f) Liquor possessed by any excise officer of the Government acting in his official capacity.
- (g) Medicinal and other preparations containing rectified spirit manufactured under the provisions of Medicinal and Toilet Preparations

(Excise Duties) Act, 1955 and such preparations which may be declared from time to time to be liquor for the purposes of the Act whose import, exports, transport and possessions and sale is regulated by the Punjab Intoxicating spirituous preparation sport, Export, Transport, Possession and Sale Rules as applied to Himachal Pradesh and such rules framed under the Medicinal and Toilet Preparation (Excise Duties) Act, 1955.

- (h) Liquor upto the limit of retail sale, in the possession of bonafide Railway passengers passing through the prohibition areas holding Railway tickets for destination outside the prohibition area.
- (i) Foreign tourists who are in possession of letters of introduction from the traffic advisory committee or a liquor permit issued by any competent authority of any State or any Union territory or of the Government of India, tourists office in India or abroad or the Indian Missions abroad, may possess foreign liquor in the prohibition area upto the quantities covered by the liquor permit in their possession.

3. Notwithstanding anything contained in rule 2 preceding:—

- (i) Any person on application may obtain brandy upto one hundred and eighty (180) millilitres on the authority of a permit granted by a Collector or by an excise officer of the first class duly empowered by the Collector in this behalf for his bonafide house-hold medicinal use.
- (ii) The Collector may grant permit for a larger quantity of brandy upto one reputed quart bottle if he is satisfied that the requirements of the applicant are genuine.
- (iii) A registered medical practitioner may also keep in his possession at any time brandy not exceeding 375 millilitres for bonafide use in practice under the authority of a permit granted by the Collector or an excise officer duly empowered by the Collector in this behalf.
- (iv) A registered medical practitioner, in managing and supervising charge of a Government local fund, Railway or charitable hospital or dispensary may possess brandy not exceeding of the requirements of the said hospital or the dispensary for 12 months on the authority of a permit granted by the Collector on an indent signed by the Civil Surgeon of the district in respect of Government local fund or charitable hospitals and dispensaries and by the Divisional Medical Officer, Northern Railway, Delhi or Ferozepur in case of Railway Hospitals and Dispensaries as the case may be.
- (v) A permit for possession for private consumption of specified units of bottles Foreign liquor not exceeding two at any one time or six in the aggregate during a month may be granted by the Collector to any person who applies for it in writing if the Collector is satisfied.
 - (a) That the applicant is an addict and it is necessary to give him such permit,
 - (b) that it is necessary on health and medical grounds, and there is a regular medical certificate from a registered medical practitioner incharge of a Government Medical Hospital or Dispensary, and
 - (c) that the grant of concession is not likely to be abused.

A fee of rupees 20 per year or a part thereof shall be payable for each permit.
A unit will be deemed to be either a quarter bottle of foreign liquor or two bottles of wine or six bottles of beer.

- (vi) Indian tourists having a letter of introduction from Director of Tourism Himachal Pradesh or an officer authorised by him in this behalf shall be issued a permit to purchase and possess not more than half a unit of foreign liquor from the Collector or any Excise officer of the 1st Class duly authorised by the Collector in this behalf on a permit fee of rupee one in the manner to be charged which may be prescribed by the Financial Commissioner.
- (vii) Any person visiting the prohibition area for a period not more than a week and desiring to possession and use foreign liquor may be granted a permit by the Collector on a permit fee of rupees five if the Collector is satisfied that the request is bonafide and is not likely to be abused, but in no case such a period shall be extended to a total period exceeding one month.
- (viii) A licensed vendor holding a licence for the sale of foreign liquor under these rules may possess such quantity of foreign liquor as may be specified in his licence.

4. *Import and transport of foreign liquor.*—A licence vendor to sell foreign liquor under these rules may import or transport foreign liquor on the authority of a permit or a pass granted by the Collector.

5. Permit holders under these rules shall obtain their supplies only from a licensed vendor, granted licence under these rules.

6. The forms for permits, licences, medical certificate stock registers and for applications for the grant of licences permits, passes and maintenance of stock registers under these rules shall be prescribed by the Financial Commissioner.

7. *Sale.*—The Financial Commissioner may grant licences for the sale of foreign liquor under these rules in a prohibition area.

8. A licensee under the last foregoing rule shall sell foreign liquor to persons holding permits under these rules only.

9. The licences will be issued under these rules in the forms and subject to such conditions which the Financial Commissioner may prescribe.

10. The fee for the licence will be assessed and recovered in the manner as may be prescribed by the Financial Commissioner.

11. The licence for the sale of foreign liquor shall only be granted for one year but may be renewed by the Financial Commissioner at his discretion from time to time.

12. The Financial Commissioner may empower officers of the Government exercising the powers of the Collector to renew the licences from time to time.

13. A person desirous of obtaining a licence for sale of foreign liquor under these rules shall apply to the Collector through the Excise and Taxation Officer of the district for orders of the Financial Commissioner. The Financial Commissioner for reasons to be recorded in writing, may refuse to grant the licence.

14. *Maintenance of accounts.*—A register in the form to be prescribed by the Financial Commissioner showing the particulars of the persons granted permits under these rules shall be maintained by the officers granting permits.

15. A person holding licence for the sale of foreign liquor under these rules shall maintain accounts in the forms and in the manner which the Financial Commissioner may prescribe.

16. The licensee holding licence under these rules shall be bound to observe in addition to the terms of his licence, all the rules made under the Act, which may be applicable to his licence.

Simla-4, the 2nd September, 1965

No. 1-17/64-E&T.—In supersession of this department previous notification No. 7(3)-J-57/49, dated 10th February, 1949, in this behalf and in exercise of the powers conferred by section 5 and clauses (e), (f), (g) and (j), of sub-section (2) of section 58 of the Punjab Excise Act (I of 1914) as applied to Himachal Pradesh and all other powers enabling him in this behalf, the Lieutenant Governor (Administrator), Himachal Pradesh is pleased to make the following order after previous publication vide this department notification of even number dated 18th May, 1965, published in the Himachal Pradesh Rajpatra dated the 19th June, 1965:—

1. *Short title and commencements.*—(i) These orders may be called the Himachal Pradesh Intoxicants Licence and Sale Orders, 1965.

(ii) These shall come into force at once.

2. *Limit of retail possession.*—The following are the maximum quantities of intoxicants which can be sold in each transaction in retail sale under the Excise Act in whole of the Himachal Pradesh, Provided that all the dry area shall stand excepted:—

- (1) Foreign spirit—one reputed quart bottle.
- (2) Foreign fermented liquor—six quart bottles.
- (3) Cider (liquor manufactured by fermentation of juice of any fruit) whether imported or made in India) six—quart bottles.
- (4) Country liquor—one reputed quart bottle.
- (5) Country fermented liquor—six quart bottles.
- (6) Bhang—100 grams.
- (7) Rectified—spirit—one pint (375 ml).
- (8) Denatured spirit—one quart bottle for domestic use and six quart bottles for industrial purposes:

Provided that a person may, for bonafide consumption by him, members of his family or his guests, purchase, transport and possess foreign spirit mentioned in clause of order 2(1) upto 12 reputed quart bottles and in case of foreign fermented liquor mentioned in clause of order 2(2) 24 quart bottles under a permit (valid throughout Himachal Pradesh except the dry areas) granted by an Excise and Taxation Officer holding charge of the District on payment of a permit fee according to the following graduated scale for financial year or a part thereof:—

(a) In case of foreign spirit mentioned in clause of order 2 (1):

<i>Quantity</i>	<i>Permit fee</i>
Exceeding one but not exceeding three reputed quart bottles.	Five rupees.
Exceeding three but not exceeding six quart bottles	Ten rupees.
Exceeding six but not exceeding twelve reputed quart bottles.	Twenty rupees.

(b) In case of Foreign fermented liquor mentioned in clause of order 2(2):

<i>Quantity</i>	<i>Permit fee</i>
Exceeding 6 but not exceeding 12 quart bottles	Five rupees
Exceeding 12 but not exceeding 24 quart bottles	Ten rupees

Provided further that in case of possession and purchase of denatured spirit for industrial purposes, a permit is obtained from an Excise Officer of the 1st Class as may be prescribed by the Financial Commissioner.

3. *Periods for which licences may be granted.*—Licences for the vend for whole-sale and retail of any intoxicant may be given for a period of one year, or for shorter period as may be deemed expedient:

Provided that;

- a year shall begin from the date which may be fixed by the Financial Commissioner, from time to time, for such purposes;
- a licence may be given from any date to the close of the year as may be determined in order 3(a) above from time to time;
- the Financial Commissioner may sanction shorter periods for such licences or classes of licences as he thinks fit;
- the Financial Commissioner may by general or special order direct that any licence or class of licences of which fees are not fixed by auction or tender shall be granted for any period upto three years;
- temporary licences may be given to provide for the sale of liquor on special occasions in such cases and on such occasions, as the Financial Commissioner may prescribe.

4. *Localities for which licences may be granted.*—Shops may be licensed for the sale of liquor and drugs in only such villages and in such wards or quarters of towns as the Financial Commissioner shall, subject to the control of the State Government from time to time direct.

5. No licence for the sale of liquor or drugs may be given unless either there is an ascertained demand for such liquor or drugs in the locality concerned or it is granted to counteract the illicit supply of liquor licences for on consumption without the procedure of enquiry prescribed by orders 8 to 13 of these orders:

Provided that a licence for the sale of foreign liquor or country liquor may be granted at any place where there already exists a licence for the sale of country liquor or foreign liquor if the Financial Commissioner so desires necessary without the procedure of enquirey prescribed above.

6. *Number of licences.*—The number of liquor and drug shops, which may be licensed in any local area, shall be the number which the Financial Commissioner, subject to the control of the State Government considers necessary to meet the reasonable requirements of the population.

7. *Persons to whom licences may not be granted.*—A licence for the vend of liquor or drug may not be given:

- to any person who has been finally convicted of any non-bailable offence by a criminal court;
- to any person, whether a former licensee or not, who has been convicted, or reasonably suspected of committing or conniving at the commission of any offence under the Excise or Opium Acts, or the Punjab Opium Smoking Act or the Dangerous Drugs Act;

(c) to any person who has held a licence in Himachal Pradesh for the sale of any intoxicant has had that licence cancelled for failing to pay his licence fees and had subsequently not paid the arrears demanded, unless he has been especially exempted by an order of the Financial Commissioner.

8. *Procedure to be followed and matters to be ascertained before any licence is granted for the retail vend of liquor for consumption on the premises.*— When it is proposed to grant a licence for the retail vend of liquor for consumption on any premises, which were not licensed in the preceding year, the Collector shall take all reasonable steps to ascertain the opinion of persons who reside or have property in the neighbourhood and are likely to be affected by the proposal.

9. The Collector shall post a notice of the proposal at or near the site proposed for the new licence, and shall cause the proposal to be made known in the neighbourhood by beat of drum or in any manner the Collector may deem fit. If the proposed premises are a municipal area, or small town or notified area, the Collector, shall lay the proposal in writing, before the Committee of the municipality, small town or notified area and if in a rural area, before the gram panchayat.

10. The Collector shall also ask for the opinion of the Superintendent of Police.

11. If the site of the proposed licence is near railway station, or any large factory, mill or workshop, the Collector shall ask for the opinion of the railway authorities or the commercial firms concerned.

12. If any objection is preferred to the proposal within 30 days from the date of the notice referred to in orders 9 and 10 of these Orders, the Collector or a gazetted officer deputed by him, shall enquire into it. The enquiry will, if possible, be made on the spot. If it is not possible to make an enquiry on the spot, an enquiry will be made in a formal proceedings at which evidence tendered for or against the proposal would be recorded. The date and place of the enquiry would be published in the notice prescribed above and will be made known to the public concerned in the manner deemed necessary by the Collector.

13. The final report, together with the opinion of the local body concerned (provided this opinion is furnished within 5 weeks from the date of the reference mentioned in order 12 of these Orders), will be forwarded by the Collector for the orders of the Financial Commissioner.

14. A licensee shall not sell liquor:

- (1) to any soldier of the rank of non-commissioned officer or under, when in uniform, or, when not in uniform, if the licensee knows, or has reason to believe, that he is a soldier of that rank;
- (2) to any person whom the licensee knows, or has reason to believe, to be a member of the family of a soldier mentioned in clause (1);
- (3) to any person whom the licensee knows, or has reason to believe, to be a follower (the term "follower" meaning a person enrolled but not attested under the Indian Army Act);

Provided:—

- (a) that in premises specially approved for this purpose by the Collector such liquor as the Collector may approve (by specification in the licence of the vendor) may be sold to any such soldier, member

of family or follower. In granting approval under this proviso the Collector shall act in consultation with the local military commander;

- (b) that at any railway refreshment room or dak bungalow and in any railway dining car;
- (i) troops and followers under the command of an officer may be supplied, subject to the consent of the said officer; and
- (ii) soldiers and their families travelling in small parties not under the command of an officer may be supplied with a reasonable quantity; and
- (c) that the restrictions laid down in sub-clauses (1), (2) and (3) of this order shall not apply to the sale of liquor to an Indian soldier or a member of his family or a follower when he is absent on leave from his regiment;
- (4) to any person whom he knows, or has reason to believe, to be a policeman, excise officer or railway servant on duty; or
- (5) to any person in the custody or under the escort of the police; or
- (6) to any person who is in a state of intoxication; or
- (7) to any insane person;
- (8) to any person below the age of twenty-five years; or
- (9) to any person whom he knows, or has reason to believe, to be a student;
- (10) to any person whom he knows or has reason to believe to be a driver, conductor or any other official on duty in a public vehicle.

15. Rules prohibiting the employment by any licence holders of certain persons, and classes of persons; to assist in his business.—No licensee shall employ to assist him in his business, in any capacity whatsoever, any person whose employment the Collector has, in his discretion, forbidden, or any person suffering from an infectious or contagious disease.

By order,
V. S. SHARMA,
Joint Secretary.